



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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MEMO ENDORSED

September 22, 2023

VIA ECF

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Defendant's request for an extension of time to identify the unknown defendants to November 24, 2023, is granted. The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: September 25, 2023
New York, New York

Re: Alli v. CO McCarthy, et al., 23-CV-5238 (ER)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above referenced matter.¹ I respectfully write today to request a sixty day extension of time to identify the unknown DOC employee-defendants from September 25, 2023 to November 24, 2023. This is the first such extension request, and, because plaintiff is currently incarcerated, defendant writes without knowledge of his position.

In brief, plaintiff brings suit here alleging that DOC staff, specifically CO McCarthy as well as unidentified members of the MDC Probe Team and ESU officers, were involved in an August 27, 2020 incident in which Plaintiff was extracted from his cell and subjected to excessive force, *inter alia*. (See ECF No. 1). By a July 27, 2023 Order of Service, the District Court requested defendant City waive service and directed this office to identify the unnamed defendants no later than September 25, 2023. (See ECF No. 9).

First, the City hereby waives formal service, making its impending answer due November 21, 2023. Second, at this time, defendant requests an extension of time to identify the unknown officer defendants. This extension of time is necessary as this office has requested from the Department of Correction and is awaiting the documents necessary to identify the John Doe defendants purportedly involved in the August 27, 2022, August 28, 2020 and September 28, 2020

¹ This case has been assigned to Assistant Corporation Counsel Mamoon Saleemi, who is not yet admitted to the Bar and is handling this matter under supervision. Mr. Saleemi may be reached directly at (212) 356-2384 or by email at msaleemi@law.nyc.gov.

incidents at issue here in compliance with the due diligence requirements under Fed. R. Civ. P. 11(a). Accordingly, defendant respectfully moves for a sixty day extension to provide this information, which, if granted, would require a response no later than November 24, 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch
Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**

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